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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/748,788	12/29/2003	Gary B. Solomon	SOL00-01P1C1	2139	
7590 · 04/06/2006			EXAMINER		
SOLVISIONS TECHNOLOGIES, INT'L			RAMIREZ, RAMON O		
82 ALBEMARLE RD NORWOOD, MA 02062			ART UNIT	PAPER NUMBER	
			3632	3632	
			DATE MAILED: 04/06/2000	c	

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)				
	10/748,788	SOLOMON ET AL.				
Office Action Summary	Examiner	Art Unit				
	RAMON O. RAMIREZ	3632				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply						
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).						
Status						
1)⊠ Responsive to communication(s) filed on 20 M	arch 2006.					
	action is non-final.					
, _	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is					
closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.						
Disposition of Claims						
4)⊠ Claim(s) 6-28 is/are pending in the application.						
4a) Of the above claim(s) is/are withdrawn from consideration.						
5) Claim(s) is/are allowed.						
6) Claim(s) 6,9-11,14-19,21-25,27 and 28 is/are r	6) Claim(s) 6,9-11,14-19,21-25,27 and 28 is/are rejected.					
7) Claim(s) <u>7,8,12,13,20 and 26</u> is/are objected to	7) Claim(s) 7,8,12,13,20 and 26 is/are objected to.					
8) Claim(s) are subject to restriction and/or election requirement.						
Application Papers						
9) The specification is objected to by the Examiner.						
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.						
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).						
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.						
Priority under 35 U.S.C. § 119						
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).						
a) ☐ All b) ☐ Some * c) ☐ None of:						
1. Certified copies of the priority documents have been received.						
2. Certified copies of the priority documents have been received in Application No						
3. Copies of the certified copies of the priority documents have been received in this National Stage						
application from the International Bureau (PCT Rule 17.2(a)).						
* See the attached detailed Office action for a list of the certified copies not received.						
Attachment(s)						
1) Notice of References Cited (PTO-892)	4) Interview Summary Paper No(s)/Mail Da					
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) 	atent Application (PTO-152)					
Paper No(s)/Mail Date 6) Other:						

Detailed Action

This is the third Office Action corresponding to communication filed Mar 20, 2006. The application contains 23 claims. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

Claims 6, 9-11, 14-18, 21, 22, 24, 25, 27 and 28 stand rejected under 35

U.S.C. 102(e) as being anticipated by Krauska et al. (Pat No 6,363,556).

The patent to Krauska et al. discloses a platform capable of supporting a desktop base, or desktop housing, comprising a generally flat base, rotating elements (wheels), and resistance elements (110) activated by a lever means (5), wherein when activated the rotating means are not in contact with the supporting surface. The base has an opening wherein the stem of the wheels is inserted.

Claims 19, 22 and 23 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Krauska et al.

The device shown by Krauska et al. shows wheels as the rotating element but it would have been obvious to those skilled in the art at the time the invention was made to have used cylindrical, spherical, or combination as an obvious matter of expediency. All these rotating elements are mechanical equivalents since all provide the same results.

Allowable Subject Matter

Claims 7, 8, 12, 13, 20 and 26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments have been fully considered but they are not persuasive.

Applicant argues that the prior art applied in the rejection cannot be supported on a desktop. Applicant is relaying in functional language. The art as applied by the examiner discloses all the elements recited in the claims. A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. The reference is capable of being supported on a desktop. What if the reference is miniaturized to be used as model display?, or how big is the desktop?

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

Application/Control Number: 10/748,788

Art Unit: 3632

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RAMON O. RAMIREZ whose telephone number is (571) 272-6821. The examiner can normally be reached on MONDAY-FRIDAY, IST FRIDAY OFF.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Application/Control Number: 10/748,788

Art Unit: 3632

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RAMON O. RAMIREZ

Primary Examiner Art Unit 3632

ROR April 4, 2006